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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3807 OF 2007

Vilas Kkeshav Kavare & Ors. .. Petitioners

versus

State of Maharashtra .. Respondent

...

Mr.Umesh Mankapure for the petitioners.

Mr.Rajesh More APP for the State.

CORAM : D.G.KARNIK, J

DATED : 17th December 2007

P.C.:

1. Heard learned counsel for the petitioners and learned APP for the State.

2. Learned APP fairly submitted that prima facie the offence under section 307 may not be made out but he submitted that offence punishable under section 326 is certainly made out. He therefore submitted that the petitioners are not entitled to bail.

3. The petitioners are in custody since 23rd October 2007. The other accused have already been

granted bail by an order of the Sessions Judge dated 31st October 2007 passed in Bail Application no.53 of 2007. Hence taking into consideration the nature of the injuries, the fact that the petitioners have a landed property at Agar, Shirol and have a permanent place of residence there, and also taking into consideration that they are in custody for nearly two months, in my view, they can be granted bail.

4. The petitioners are granted bail in respect of the crime registered under C.R.No.81 of 2007 at Shirol police station subject to the following conditions:-

i) Petitioners shall not make any inducement nor give any threats to any of the prosecution witnesses nor in any manner tamper with the prosecution evidence.

ii) Petitioners shall report to the concerned police station once in a week i.e. every Monday till the filing of the charge-sheet and once in a month thereafter between 1st and 5th of British calendar month.

. Application is disposed of accordingly.

(D.G. KARNIK, J)